

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**TOMMY RADFORD
ADC #089900**

PLAINTIFF

v.

No. 4:21-cv-218-DPM-JTR

**LEMARCUS DAVIS, Former Captain,
Maximum Security Unit; E. LITZSEY,
Captain, Maximum Security Unit; R. CLARK,
Lieutenant, Maximum Security Unit;
JOSHUA CAUDELL, Lieutenant, Maximum
Security Unit; TERRI L. MURRAY, Corporal,
Maximum Security Unit; K. WELLS, Corporal,
Maximum Security Unit; QUINTIN WOODS,
Former Officer, Maximum Security Unit;
JOHNNIE BARTON, Former Officer, Maximum
Security Unit; BREWER, Sergeant, Maximum
Security Unit; VERONICA IRBY, Sergeant,
MSU; and JOHN SPEARS, Captain, MSU**

DEFENDANTS

ORDER

The Court adopts Magistrate Judge Ray's careful and unopposed partial recommendation, *Doc. 77*. Fed. R. Civ. P. 72(b) (1983 addition to the advisory committee notes). The ADC defendants' motion for partial summary judgment, *Doc. 45*, is partly granted and partly denied. Radford's retaliation claims against Murray and Wood for the 11 July 2020 conduct, against Davis for the 16 July 2020 conduct, and

against Brewer for the 12 August 2020 conduct go forward. Radford's claims against Caudell and Barton also remain pending. All other claims against Davis, Litzsey, Clark, Murray, Wells, Woods, Brewer, Irby and Spears are dismissed without prejudice for failure to exhaust. Clark, Irby, Litzsey, Spears, and Wells are dismissed as defendants.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
United States District Judge

7 September 2023